

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 06/03/2020

-----	X
IN RE APPLICATION OF	:
YS GM MARFIN II LLC;	:
YS GM MF VII LLC;	:
YS GM MF VIII LLC;	:
YS GM MF IX LLC;	:
YS GM MF X LLC;	:
	:
FOR AN ORDER TO CONDUCT DISCOVERY	:
FOR USE IN FOREIGN PROCEEDINGS	:
-----	X

20-MC-182 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS YS GM MARFIN II LLC, YS GM MF VII LLC, YS GM MF VIII LLC, YS GM MF IX LLC, YS GM MF X LLC (“Applicants”) have submitted an *ex parte* application for judicial assistance to obtain discovery for use in a foreign proceeding, pursuant to 28 U.S.C. § 1782, Dkt. 11;

WHEREAS Applicants seek discovery from an entity known as United Oceans LLC and an individual named Paul Capkanis, Dkt. 11 at 1;

WHEREAS Applicants aver that they have obtained evidence that United Oceans LLC was involved in certain wire transfers with Applicants’ adversaries in the foreign proceeding, Dkt. 11-1 at 23;

WHEREAS Applicants wish to obtain additional information from United Oceans LLC and Capkanis about Applicants’ foreign adversaries’ transactions, *id.*;

WHEREAS Applicants have failed to explain the relevance of any information sought to be obtained from Paul Capkanis, whose role is not explained;


WHEREAS Applicants, unlike in their other applications to this Court, have failed to provide specific and non-conclusory information sufficient for the Court to conclude that United Oceans LLC and Capkanis may be found in this district, *see* Dkt. 11-1 at 23 (“The Discovery

Targets United Oceans and Capkanis are headquartered and/or regularly transact business in this District.”);

IT IS HEREBY ORDERED THAT Applicants’ Fourth *Ex Parte* Application for Assistance, Dkt. 11, is DENIED without prejudice. Applicants may renew their petition with additional supporting evidence to address the defects identified above.

SO ORDERED.

Date: June 3, 2020
New York, New York


VALERIE CAPRONI
United States District Judge